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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,198	05/25/2001	Nicholas H. Des Champs		1689

7590 05/24/2005

Clyde I. Coughenour  
16607 Sutton Place  
Woodbridge, VA 22191

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

***Acknowledgement of Reply Brief***

The reply brief filed 5/9/2005 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

The Examiner does agree with the appellant that the final rejection dated 12/23/2004 was premature. It appears that although the Detailed Office Action did not conclude that the action was final, the examiner inadvertently and incorrectly indicated on the Office Action Summary PTOL-326 that the action was Final. The Examiner apologized for this error and concludes that the appellant is not requesting a reopening of the prosecution. The examiner also provides the appellant with the suggestion that if the appellant had filed an after final request for reconsideration or even telephoned the examiner, the finality would have been withdrawn. However, since the appellant did not opt for this remedy the examiner can only conclude that the appellant wished to proceed to appeal after the second rejection as is permissible by the MPEP.

In regards to appellant's other arguments presented in the reply brief, the examiner maintains the previous rejection and considers the Examiner Answer to be sufficient to address the issues presented by the appellant in the reply brief.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is (571) 272-

WAT

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EA

Art Unit: 3625

**6755.** The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including

After Final communications labeled


"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Mark Fadok

Patent Examiner

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**